

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6664

BILL NUMBER: SB 445

DATE PREPARED: May 1, 2001

BILL AMENDED: Apr 29, 2001

SUBJECT: Criminal History Checks.

FISCAL ANALYST: Dave Hoppmann

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (CCR Amended) *State or Governmental Entities*- This bill specifies that a state or governmental entity may obtain the release of limited criminal history for an applicant for employment with the entity.

School Entities- It specifies that a school corporation, nonpublic school or special education cooperative may obtain without charge the limited criminal history of a prospective employee from a law enforcement agency. (It also specifies that a special education cooperative may obtain without charge the limited criminal history of an adult volunteer from a law enforcement agency.)

Contractors- It allows a school corporation to require entities that contract with the school corporation to provide a limited criminal history background check of the entities' existing employees.

National Criminal Background Checks- It allows a qualified entity to request from the Indiana State Police Department (State Police) a national criminal history background check regarding a person who: 1) seeks to be employed with the entity or who has been employed by the entity for not more than three months; or 2) seeks to volunteer with an entity or who has volunteered with an entity for not more than three months.

Effective Date: (CCR Amended) Upon passage.

Explanation of State Expenditures: (Revised) *State or Governmental Entities*- The Indiana State Police (State Police) would incur no additional administrative expenses regarding this provision of the bill. Under current law, state and governmental entities already request and obtain the release of limited criminal histories for applicants seeking employment.

School Entities- The State Police would incur no additional administrative expenses regarding this provision of the bill. Under current law, the State Police processes an unknown number of requests for limited criminal

histories of prospective employees by school corporations, nonpublic schools, and special education cooperatives. (The elimination of limited criminal history fees would not likely increase the demand for such background checks since school entities requiring limited criminal histories do so as a matter of policy, regardless of fees.)

This provision would not affect the State Police's ability to charge fees for limited background histories of individuals who seek teacher certification via the Professional Standards Board.

Contractors- The State Police could experience an increase in administrative expenses regarding the processing of limited criminal history backgrounds of existing employees who work for entities that seek to enter into a contract with a school corporation. The specific effects are currently indeterminable and would vary between school corporations.

Under current law, school corporations are allowed to request limited criminal histories of prospective employees of entities that seek to enter into a contract with a school corporation. (The State Police currently process an unknown number of these requests.)

National Criminal Background Checks- The State Police would experience an increase in administrative expenses regarding the processing and dissemination of national background checks for qualified entities that provide care or care placement services. Possible organizations that could request such background checks include but are not limited to the following entities: 1) school corporations; 2) special education cooperatives; 3) child care facilities; and 4) youth organizations such as Girl Scouts, Boy Scouts, and Cub Scouts.

Annual expenses could range from \$55,660 to \$333,959 depending upon the number of additional data process operators and fingerprint classifiers hired by the State Police. (This range is based on two to twelve additional clerical positions including benefits.) The exact number of additional staff is currently indeterminable, and would depend upon the number of national criminal background checks requested by qualified entities.

The funds and resources required above could be supplied through a variety of sources, including the following: 1) existing staff and resources not currently being used to capacity; 2) existing staff and resources currently being used in another program; 3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; 4) funds that, otherwise, would be reverted; or 5) new appropriations.

There are 51 authorized clerical positions within the State Police's Central Records Division of which eight are currently vacant (November 2000 staffing table). Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Qualified entities would be allowed to request national background checks from the State Police of individuals seeking employment, or recently employed (three months) with the entity. (This bill does not require qualified entities to request national background checks.) In addition, prospective volunteers of a qualified entity, or recently accepted volunteers (three months) could also be required to submit to a national background check.

There are currently 294 school corporations, 60-70 special education cooperatives, and approximately 5,250 assorted child care entities in the State of Indiana.

Funding for the State Police originates from the state General Fund and the Motor Vehicle Highway Fund.

Limited Criminal Histories Background- Typically, a school corporation requests a limited criminal history when it is in the process of hiring a previously certificated employee who has had a significant break in employment. It is not the general policy of a school corporation to request limited criminal histories of newly licensed individuals since criminal background histories are conducted as part of the certification process via the Professional Standards Board.

The State Police reports that the exact number of limited criminal histories conducted at the request of school corporations, nonpublic schools, and special education cooperatives is currently indeterminable.

Explanation of State Revenues: (Revised) *School Entities-* The state General Fund could experience a decrease in limited criminal history revenue due to this provision of the bill.

Under current law, the State Police is allowed to charge a \$7 fee for responding to school corporation, nonpublic school, and special education cooperative requests for limited criminal histories of individuals who seek employment in certificated and non-certificated positions.

In accordance with this provision, the State Police would no longer be able to charge a fee for these individuals if the limited criminal history is requested by the entities mentioned above.

The specific impact to the state General Fund is currently indeterminable, and would depend upon the number of limited criminal histories annually requested by school corporations, nonpublic schools, and special education cooperatives for certificated and non-certificated employees, as well as for special education cooperative adult volunteers.

State General Fund Revenues from total criminal history checks for FY 2000 totaled \$1,602,808.

National Criminal Background Checks- The state General Fund could experience an increase in national background check fee revenue due to this provision of the bill. The State Police reports that of the \$34 fee that is charged for a national background check, the state General Fund receives \$10 (the \$24 difference is paid to the federal government.)

The specific impact to the state General Fund is currently indeterminable, and would depend upon the number of national background checks annually requested by school corporations and nonpublic schools for certificated and non-certificated employees.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: School Corporations, Special Education Cooperatives.

Information Sources: Steve Hillman, (317) 232-8204, Indiana State Police.